

TOP SECRET

REVIEWED BY JEH

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MEMORANDUM FOR THE FILES

From: SA-E S. Klaus

Subject: JIOA

Mr. O'Sullivan of A-H called me on the telephone to give me the latest developments, as he said, on the new paper.

He said that Secretary Patterson had taken the initiative in asking for a resolution of the subject. As a result, Mr. Acheson called in Gross and had a fifty minute conversation with him on the new paper. Gross did not bring along any comments. Acheson approved the paper as submitted to him by Gross, with the conditions that the implications of the paper would require the highest clearance on the Presidential level.

O'Sullivan said that the paper omitted the references to 257/5, as I had recommended, but that my additional standard had been rejected and Acheson had not been informed about that proposal. O'Sullivan said the rejection had been on the ground that the standard was vague since it would be impossible to find out what people would be doing in the future. He thought that the phrase, "Nazi or militarists", would be sufficient and he said that the VDI project would go ahead anyhow.

I told O'Sullivan that if he objected to the vagueness of the language he should improve the language but that the result of omitting my standard was to exclude all reference to future menace. I said that the standard in the document, as submitted to Mr. Acheson, was solely that of past conduct and that this would be interpreted by the Army to require them to ascertain only whether a man was on a Nazi

list,

list, or was a "militarist", whatever that might mean, and that it probably would be interpreted to mean that he was an important military figure. I emphasized to him that the Army would tend to reduce the scope of inquiry to a minimum of discretion. I told him that the difference was between a punitive provision and a prophylactic provision. He argued that the provision was just not punitive, and that if we got information that a man was engaged in such a plot we could also keep him out. I replied that the Army would never get such information unless they looked for it, and that under the present charter they would refuse to look for it. I told him, moreover, that the Army would probably drop the VDI investigation, or consider it irrelevant in view of the language in the charter.

I also told him that he was confusing, in my opinion, the standard of admission with standards of evidence, and that under the present language it would be irrelevant to consider any evidence of present or future plans.

O'Sullivan then argued that it probably was too late to do anything about this. I told him that it would not be too late until the President signed it, and that the War Department could be told now that we had an amendment to make. We then discussed the language of the amendment and I agreed that O'Sullivan could insert the word "actively" or similar words to distinguish nominal members of the VDI and like organizations from active participants.

I told O'Sullivan further that if the intention was to admit all these Germans on the theory that Germany would never be a menace in the future, and that we do not need to worry about that problem, I could understand the point of view; it would pay lip service to past affiliations in order to satisfy public opinion; however, I said that I assumed that both of us were looking for protection against a future menace and in that event the only way in which that standard could be observed would be to put it in the charter right now and not leave it to argument or interpretation.

O'Sullivan said he would see what could be done. I told him I assumed he was presenting all my arguments.

O'Sullivan

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O'Sullivan also said that the paper had been cleared by Gross with Russell and Lyon. He said that Gross had told Acheson that Mr. Braden, CON, and the Visa Division had objections to the idea. O'Sullivan and I agreed that I would inform Messrs. Braden and Eddy of the developments.

SA-E:SKlaus:ltm

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